



08-12-04

41

2128

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/732,322	
	Filing Date	December 7, 2000	
	First Named Inventor	Jen Jensen	
	Art Unit	2128	
	Examiner Name	R. W. Frejd	
Total Number of Pages in This Submission	1	Attorney Docket Number	05986/000H648-US0

RECEIVED

AUG 13 2004

Technology Center 2100

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	DARBY & DARBY P.C. Walt Thomas Zielinski - 18,902
Signature	<i>Walt Thomas Zielinski</i>
Date	August 11, 2004

Express Mail Label No.

Dated: _____

Dated: _____

In re Patent Application of:
Jen JENSEN

Art Unit: 2128

Examiner: R. W. Freid

RECEIVED

Technology Center 2100

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Office Action dated 6/21/04, reconsideration and withdrawal of the objection based on Patent Rules, §1.96, are respectfully solicited in view of the following remarks. §1.96 reads as follows:

(a) *General.* Descriptions of the operation and general content of computer program listings should appear in the description portion of the specification. A computer program listing for the purpose of this section is defined as a printout that lists in appropriate sequence the instructions, routines, and other contents of a program for a computer. The program listing maybe either in machine or machine-independent (objector source)language which will cause a computer to perform a desired procedure or task such as solve a problem, regulate the flow of work in a

In sum, the cited Jensen paper has no relevance to claim 1 of this application.

What was stated above with respect to claim 1, applies with even greater force to the other independent claims 4 and 7.

For the foregoing reasons, it is submitted that claim 1-14 are clearly not met by nor rendered obvious in view of the cited Jensen paper or any of the other references of record.

It is therefore respectfully requested that the Examiner reconsider and withdraw the rejection based on §102 and pass this case to issue.

Dated: August 11, 2004

Respectfully submitted,

By 
Walt Thomas Zielinski

Registration No.: 18,902
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant

